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10/797,839

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John R. Blake

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EXAMINER

MCCLAIN, GERALD

ART UNIT

PAPER NUMBER

3653

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,839

Applicant(s)

BLAKE ET AL.

Examiner

Gerald W. McClain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-16, 25-27, 30, 31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16, 25-27, 30, 31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed 26 March 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 33-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The track was not described as having a trapezoidal cross-sectional profile, mating profile, or being cantilevered in the second position.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 33, it is unclear what a mating profile denotes.

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In Claim 34, it is unclear how the platform is cantilevered relative to the track.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hino, et al. (US 2002/0162724) ("Hino").

Claim 1: housing (See FIG. 2, 110); coin sorter (S); input hopper (112); rotatable disk (2); stationary head (1); lower surface ([0137]); shaped regions (10); exit channels (8a to 8c); coin receptacle station (120); coin receptacles (124a to 124j); first position (FIG. 2); second position (FIG. 4); manifold (location of 152); coin paths (152); dampening mechanism (See FIG. 4 below, C and 122a);

Claim 2: casters (122b);

Claim 4: dampening mechanism (See FIG. 4 below, C and 122a); coin receptacle station (120); first end (See FIG. 4 below, C); housing (110); second end (See FIG. 4 below, Back Side (opposite Front Side) of 122a).



Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Jones, et al. (US 6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above. Hino does not directly show coin bags or coin bag holders.

Jones shows a similar device having a coin bags (52) and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28). Therefore, it would have been obvious to a person having ordinary skill in the art

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at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags and coin bag holders for the purpose of holding the sorted coins of a specific denomination.

Claim 5, 7-9, 14-16, 25-27, and 33-34, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner (US 4,450,968). Hino discloses:

Claim 5: housing (See FIG. 2, 110); coin processing device (inside 110); coin processing unit (S); coin receptacles (124a to 124j); coin receptacle station (120); moveable platforms (122); first position (FIG. 2); second position (FIG. 4);

Claim 7: coin processing unit (S); disk-type coin sorter (S); exit channels (8a to 8c);

Claim 8: manifold (location of 152); coin paths (152); exit channels (8a to 8c); coin receptacles (124a to 124j);

Claim 9: coin receptacles (124a to 124j); coin bins (124a to 124j);

Claim 14: housing (See FIG. 2, 110); door (122a); open position (FIG. 4); closed position (FIG. 2); moveable platform (122);

Claim 15: door (122a); rear side (See FIG. 4 below, D); housing (See FIG. 2, 110);

Claim 16: door (122a); front side (See FIG. 4 below, D; Note: the location of D can be defined as the rear or front side); housing (See FIG. 2, 110);

Claim 25: receiving a plurality of coins of a plurality of denominations to be sorted (112; paragraph [0135]);

sorting the plurality of coins according to denomination with the coin sorting unit (S; paragraph [0130]);

directing (10) sorted coins to the plurality of coin receptacles (124a to 124j), each coin receptacle containing coins of a single denomination (paragraphs [0131] to [0134]);

moving (122) one of the coin-receptacle platforms from the first position (FIG. 2) to the second position (FIG. 4) for accessing the coin receptacles (paragraph [0136]);

Claim 26: opening a door (122a) of the housing prior to moving the one of the coin-receptacle platforms from the first position the second position (paragraph [0136]);

Claim 27: housing (See FIG. 2, 110); coin processing device (inside 110); coin sorting unit (S); coin receptacle area (area taken by 120); coin receptacle station (120); coin receptacles (124a to 124j); moveable platforms (122); first position (FIG. 2); second position (FIG. 5); moveable coin bin (the enclosed space of 124a to 124j); interior (the enclosed space of 124a to 124j)

Claim 33: moveable platforms (122); mating profile (122)

Claim 34: the moveable platforms (122) is *capable of* being cantilevered.

Hino does not directly disclose a *plurality* of individual moveable platforms or a track (a rectangle is a type of trapezoid).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable

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platforms since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B).

Muellner shows a similar device having a track (24) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Claims 10, 12-13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones, et al. (US 6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, or coin bag holders.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B).

Muellner shows a similar device having a track (24) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags, and coin bag holders for the purpose of holding the sorted coins of a specific denomination, respectively.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones. Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, coin bag holders, or a coin bag partition.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B).

Muellner shows a similar device having a track (24) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), coin bag holders (58), and a coin bag partition (44) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28) and sorting coins of various denominations (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags, coin bag holders, and a coin bag partition for the purpose of holding the sorted coins of a specific denomination and sorting coins of various denominations, respectively.

Response to Arguments

Regarding the claim objections and rejections under 35 USC § 112, they are all withdrawn as being traversed by claim amendments.

Regarding the rejections under 35 USC § 102 and 103, the Applicant's remarks will be addressed per Applicant's **Remarks** sections.

II. Rejections under 35 USC § 102

A. Claims 1-4

The Applicant asserts the following (Note: all indented quotes are Applicant's assertions per each individual claim argument).

However, the alleged "dampening mechanism" is simply a front wall 122a of the drawer 122 (see par. [0136]), which does not provide a dampening function and is not configured to control the movement of the drawer between a first position in which the drawer is disposed entirely within the housing for receiving coins and a second position in which the drawer extends out of the housing. The front wall 122a *merely serves to stop*

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movement of the drawer 122 at a predefined point upon insertion of the drawer into the coin processing unit 110 housing. (emphasis added)

In order to "stop movement of drawer 122", the front wall 122a must dampen drawer 122 at some point between the first and second position. Therefore, 122a is the "dampening mechanism".

The Examiner's statement of rejection is silent as to this claim association between the first end and the second end and Hino is merely purported to have a first end and a second end. However, such asserted first end (C) and second end (rear face of 122a) are not coupled.

It is inherent that the first (C) and second (rear face of 122a) ends are "coupled" as shown in FIG. 2 and 4. As shown in the figures, the ends are coupled since they come into contact with each other.

B. Claims 5-16

Regarding claim 5, the argument asserting that "a *plurality* of individual moveable platforms" (emphasis added) was not disclosed in Hino is persuasive. A new rejection under 35 USC § 103 is drawn above.

However, the "front wall 122a" cannot be reasonably be interpreted as a door.

The front wall 122a has neither an open position nor a closed position: it is a wall.

Moreover, the front wall 122a does not permit the moveable drawer to move from a first position to a second position "when the door is in the open position."

The wall is a door since it is a "movable panel (122a in FIG. 2 and 4) for closing off an entrance (See FIG. 4, opening near 116)." (Webster's II Dictionary, Office Edition, 3rd ed., Houghton Mifflin Company, 2005)

C. Claims 25-28

See section B above.

III. Rejections under 35 USC § 103 (Claims 3, 10, 12-13, and 30)

Regarding Claim 3, see the “dampening mechanism” argument in section A above.

Regarding the rest of the Claims in this section, new rejections under 35 USC § 103 are drawn above.

IV. Rejection under 35 USC § 103 (Claim 6)

Hino mentions no deficiencies or problems associated with the use of casters 122b for coin drawers and Muellner (which is submitted not to be analogous art, see below) relates to the wheels (not casters) discloses no generally applicability of the disclosed subject matter to anything other than carts used for baggage, packages and groceries. There is no evidence of record supported the proffered combination.

The lack of deficiencies or problems mentioned in Hino does not *inherently disclose* that there would be no motivation to combine Hino with another reference, here, Muellner. In fact, motivation was given to combine in the previous Office Action.

Further, one of ordinary skill in the art knows that casters have wheels. Therefore, the term “caster” merely denotes the structure of the wheels.

In response to applicant's argument that Muellner is nonanalogous art on page 16 of the **Remarks**, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant (Note: the applicant is the inventor) was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992) and MPEP § 2105 (IV). In this case, the

structure of the track (24) in Muellner is pertinent to the problem with which the applicant was concerned, namely to move each moveable platform on said track between the first and second positions. The reason why *Muellner* used the tracks is irrelevant as long as the track structure combined with Hino solves the *Applicant's* particular problems.

V. Rejection under 35 USC § 103 (Claims 11 and 31)

Regarding Claims 11 and 31, new rejections under 35 USC § 103 are drawn above.

VI. Rejection under 35 USC § 103 (Claim 29)

Claim 29 is cancelled.

Regarding claims 33-34 there is a new rejection under the first paragraph of 35 USC § 112.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653



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PRIMARY EXAMINER 5/22/07